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ABSTRACT

Barriers to providing an appropriate public education to all children with handicaps are analyzed, and promising practices are identified to counter the effect of each. Nonbiased assessment procedures, vocational or educational curricula, and related services are seen as critical aspects in overcoming technological barriers, while attitude training for educators and nondisabled children is suggested to deal with attitudinal barriers. Jurisdictional barriers may be dealt with by such actions as legal and policy mandates and interagency agreements. Policies clearly defining roles and responsibilities of regular and special education personnel and materials on parents' and children's rights are among ways advocated for meeting administrative and political barriers. Architectural barriers may be surmounted by cost-effective design modifications, while economic barriers may be addressed through the use of existing facilities and the efficient use of volunteers. Also suggested are ways to handle personnel barriers (including staff incentive and training alternatives); logistical barriers (such as using mobile assessment teams in rural areas); legal barriers (model legislation and policies on preschool education and graduation competency requiremens); motivational barriers (encouraging youth to stay in school through work study approaches); and idiosyncratic barriers. (CL)

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TRADITIONAL BARRIERS TO EDUCATIONAL OPPORTUNITY: UNSERVED/UNDERSERVED CHILDREN AND YOUNG PEOPLE IN SPECIAL EDUCATION

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I. Introduction

The enactment of P.L. 94-142 in 1975 marked a new era in the education of children with disabilities. By establishing the right of a free appropriate public education, P.L. 94-142 mandated state and local education agencies to provide the benefits of equal educational opportunity to populations of children traditionally excluded from schools across the nation.

Education agencies have made great progress over the past five years in providing handicapped children with an appropriate education. Many school age children previously excluded from public schools now enjoy the benefits of public education. However, an unspecified number of children with handicapping conditions remain unserved, or underserved in public education programs.

The concept of "special populations" is introduced in P.L. 94-142 in 121a.320 under definitions of "first priority children" and "second priority children". First priority children are those handicapped children who are in an age group for which the state must make available free appropriate public education under 21a.300 and are not receiving any education. Second priority children are those handicapped children within each disability with the most severe handicaps who are receiving an inadequate education. Thus, these groups of children are either unserved or inadequately served. In addition, a member of a special population must be between 3 - 22 years of age and have a handicapping condition which is defined in P.L. 94-142.

Rationale. Traditional barriers to educational opportunity account for one of the reasons why a child fails to receive educational services: the concept avoids a categorical perspective; this approach places singular emphasis on the child's deficits or disabilities. By shifting attention to the barriers to an appropriate education, one avoids the pitfalls of blaming the child for being excluded from appropriate educational programs.

Second, the conceptual framework affords generalization across disability categories, as well as generalizations within categories. The conceptual framework also permits generalizations across settings as well as within similar settings. For example, the framework permits comparisons both between and among children who are profoundly retarded in institutions and adjudicated youth in juvenile facilities. Since the individual education needs of these two groups of children are quite different, one would not generally look to promising practices among one group for solutions to appropriately serve the other group. At the same time, jurisdictional disputes between the public schools, the health or mental health department and the juvenile justice system may be the basis for failing to provide services to both groups. Administrative and financial mechanisms employed to fulfill the rights of one group may at the same time fulfill the rights of the other group. However, fulfilling the rights of the adjudicated youth in juvenile facilities may be completely different from fulfilling the rights of the profoundly retarded. Hence, a noncategorical

approach may be appropriate on the one hand and a categorical approach may be required for the other.

Third, a conceptual framework based on barriers to service, category of special population, and educational setting underscores the fact that "hard-to-serve" is a relative concept based on geographical, economic, cultural, or other factors. For instance, a child may be easy to serve in New York or New Jersey due to the availability of related services. The required related services may be completely unavailable in Puerto Rico or the Virgin Islands. In like manner, a handicapped child may be easily served in Salt Lake City, Utah, because of the availability of specialized personnel. The same child residing on the Navajo Reservation may remain unserved because he has not even been identified as a handicapped child.

Fourth, this conceptual framework directs attention to the reasons for non-service or underservice. Thus, the framework addresses why children have been excluded from the full benefits of P.L. 94-142.

Fifth, directing attention to the reasons for exclusion lends itself to the identification of potential solutions: the concept emphasizes how barriers may be overcome, how educational settings may be modified, and how some handicapped children still remain outside the categorical definitions enumerated in P.L. 94-142.

II. Barriers to Education

To some extent the following barriers stand in the way of providing an appropriate public education to all children with

handicaps: technological; attitudinal; jurisdictional; administrative; political; architectural; economic; personnel; logistical; legal; motivational and idiosyncratic. Many of these barriers overlap or interact with one another. Other barriers certainly exist as well. Further, more than one barrier may stand in the way of any specific group of disabled children receiving an individualized education.

1. Technological Barriers. For the individual education needs of children with disabilities to be met, educational technologies must be developed and accessible and used. Educational technologies use a variety of methods for imparting knowledge and ideally use all available resources for this -- from the printed word to video disc to human beings. For our purposes, educational technology relates most directly to programming issues -- curriculum, instructional devices, modes of instruction, and related services used. The past decade has witnessed a dramatic growth in the availability of educational technologies for the hardest children to serve. Yet technologies for certain groups of children, notably the severely emotionally disturbed, remain either under-developed or not widely accessible to practitioners. Depending on the population of children, technological barriers may involve assessment procedures (especially in the case of bilingual children), educational curriculum, or related services -- for instance, physical and occupational therapy. Specific examples of groups of children affected by technological barriers are the following:

* The severely disabled

--Behaviorally handicapped

--Severely and profoundly retarded

--Multiply handicapped

--Medically fragile

--Autistic

* Special age groups

--Vocational training for older youth

--Early intervention for young children

Promising practices overcoming technological barriers may include the following:

* Nonbiased assessment procedures (especially for bilingual children);
* Vocational or educational curricula (for example, functional life skills training, behavioral interventions, communication skills, socialization skills);
* Specific components of an educational curriculum (for example, strategies for increasing interaction between severely handicapped and nonhandicapped children; ways of adapting devices, skill sequences, and environments for use by severely handicapped students);
* Professional (related services) interventions for severely disabled children;
* Ways of training and supporting educational staff (for example, consultant teachers);
* Inservice training approaches and materials for special and regular education personnel.

2. Attitudinal barriers. As implied by the enactment of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, attitudinal barriers -- specifically, societal discrimination against minority group members -- have posed the most formidable obstacles to educational equity for certain groups of children. With regard to schools, attitudinal barriers may be found among school personnel at all levels (especially regular school staff), typical children, parents of typical children, school board members, and indirectly, local taxpayers. Today, the children most affected by attitudinal barriers are the following:

* Racial and cultural minorities
* The severely handicapped
* Children stigmatized by certain conditions (e.g., Hepatitis B carriers)

Of relevance in looking at promising practices is how positive attitudes toward minority and disabled children have been created and fostered systematically. The following are concrete illustrations of practical approaches to overcoming attitudinal barriers.

* Attitude training among regular school personnel, school board members, parents and nondisabled children;
* Strategies for preparing nondisabled children for interactions with disabled children;
* Educational materials and devices (for example, posters).

3. Jurisdictional barriers. Traditionally, many disabled children have been denied their educational rights due to jurisdictional disputes or a lack of administrative and funding mechanisms regarding their education. Jurisdictional barriers relate to the interface of education agencies with the following service systems or settings:

* Juvenile justice system -- adjudicated youth
* Children "out-of-home"
  --Institutionalized children
  --Children in group homes
  --Children in foster homes
* Children living on American Indian reservations
* Children living on military bases
* Vocational rehabilitation agencies --older youth
* Health-related agencies -- medically fragile children

With regard to jurisdictional barriers, promising practices are administrative and funding mechanisms designed to establish responsibility for services and to encourage coordination among different agencies. The following serve as examples of such mechanisms:

* Legal and policy mandates;
* Interagency agreements;
* Funding arrangements (for example, fixed responsibility for paying the costs of services; procedures to insure that the funding "follows the child");
* Monitoring and evaluation systems;
* Arrangements for transportation;

* Case management services or other coordination mechanisms.

4. Administrative barriers. Administrative barriers are administrative practices and policies and policies which hinder the attainment of full educational rights for children with disabilities. For instance, administrative barriers include coordination and communication breakdowns between special and regular (for example, school principals) education personnel and the establishment or maintenance of separate schools serving all children within a disability category regardless of their individualized education programs.

Promising practices addressing these barriers might include the following:

* Policies which clearly delineate the roles and responsibilities of regular and special education personnel;
* Plans and procedures for integrating disabled children into regular schools and using special schools for alternative purposes.

5. Political barriers. These are barriers involving the ability of parents and/or guardians and children themselves to advocate for children's rights. Of course, prior to the passage of P.L. 94-142, consumers had limited means by which to challenge school system decisions. While P.L. 94-142 mandates parental involvement in educational decision-making and provides specific due process procedures, political barriers stand in the way of

certain children's right to an appropriate education. The following children are affected by this barrier:

* Adjudicated youth
* Institutionalized children
* Children in foster care or group homes
* Children whose parents and/or guardians lack the necessary resources (e.g.,information about rights, access to legal or advocacy groups) to advocate for their rights
* Children whose parents and/or guardians are not actively involved in their education and who lack surrogate parents

Promising practices designed to protect children's due process rights might include the following:

* Parent training programs;
* Rights materials for parents and children;
* Grievance procedures to resolve disputes short of formal hearings;
* Methods of involving parents or guardians in educational decision-making;
* Provisions for recruiting and training surrogate parents.

6. Architectural barriers. As implied by Section 504 and its regulations, architectural barriers have excluded disabled persons from the benefits of federally-assisted programs, including education. Physical and multiply disabled children, including those with mobility, visual, and hearing impairments,

are obvious examples of those who may be unserved or inappropriately served due to architectural barriers.

Illustrations of solutions to architectural barriers are as follows:

* Cost-effective modifications to the design of physical environments (for example, ramps and lifts);
* Cost-effective modifications to the design of school buses;
* Sound-proofing and other modifications for hearing impaired students;
* Braille signs and other modifications for visually impaired students.

7. Economic barriers. While lack of funds is not a legally acceptable excuse for the violation of children's rights, disabled children may be denied an appropriate education due to economic barriers. For instance, some disabled children live in urban areas in which schools are financially overburdened; other children live in impoverished areas -- for example, rural Puerto Rico -- where human services generally are lacking. Clearly, severely disabled and multiply handicapped children for whom educational costs are extensive are most likely to be unserved or underserved because of economic factors. However, economic barriers may hinder the attainment of equal educational opportunity for all children with handicaps. Promising practices in the area of economics might include:

* The use of existing generic facilities for educational purposes;

* Ways to recruit and use volunteers;

* Ways to cut administrative or non-educational costs;

* Resource sharing with other agencies or departments.

8. Personnel barriers. For some disabled children, the unavailability of trained special educators and professionals poses a major barrier to the attainment of full educational rights. For example, schools sometimes have difficulty recruiting skilled and licensed professionals in the areas of physical therapy, occupational therapy, and other services. Further, our interviews with state and local education agency personnel and consumers in the Virgin Islands indicate that there is a dramatic shortage of trained special educators in this U.S. territory (complicating the situation is the fact that the schools experience an extraordinarily high annual turnover rate due to the fact that the majority of special educators come from the continental U.S. and stay in the Virgin Islands for one year or less). All disabled children may suffer from a lack of trained personnel, but children with the most intensive needs -- namely, the severely disabled -- suffer most. The following are illustrations of practices designed to overcome personnel barriers:

* Strategies to recruit staff;

* Staff incentives to reduce turnover;

* Cooperative staff-sharing or training arrangements with other service settings or universities.

9. Logistical barriers. Logistical barriers -- the difficulty of arranging services in sparsely populated areas --

may prevent children with disabilities from being provided with an appropriate education. Clearly, severely disabled children are the most vulnerable in this regard. Promising practices in rural areas might include the following:

* Cooperative arrangements between school districts;
* Mobile assessment teams;
* Regional specialists to consult with teachers on educating children with disabilities.

10. Legal barriers. Prior to the passage of P.L. 94-142, equal educational opportunity was not mandated nationally for children with disabilities. To the contrary, education laws in many states specifically excluded certain categories of disabled children from the benefits of a public education. For example, secondary level handicapped youth have not received an adequate education in the regular school environment. Thus, federal courts (see, for example, Mills v. Board of Education and PARC v. Pennsylvania) first established the mandate for schools in some states to serve children with handicapping conditions in the years preceding Congressional enactment of P.L. 94-142. Yet today legal barriers -- namely, a lack of mandate nationally -- prevent young children from being provided with an appropriate educational program. Although some states -- for instance, Michigan -- mandate education for all children from birth, most state education laws do not require that preschool children be provided with a public education.

Model legislation, regulations, and policies on preschool education, graduation competency requirements and other areas in

which states go beyond the protections contained in P.L. 94-142 can be considered "promising practices" for our purposes.

11. Motivational barriers (semi-voluntary). The term "motivational" is used to refer to school-aged youth who, due to lack of motivation, negative school experiences, family circumstances, or other factors, decide to leave school prematurely. These youth are commonly referred to as "dropouts" or "push-outs". Clearly, this problem affects the typical school population as much as, if not more than, children with disabilities.

Promising practices oriented toward encouraging these youth to stay in school might include the following:

* Aggressive and supportive guidance counseling;
* Adaptations in the school curriculum;
* Work-study programs.

12. Idiosyncratic barriers. Quite apart from systemic barriers to an appropriate public education, there are a host of idiosyncratic barriers having to do with the situations of individual children and families which may result in children's educational needs not being met. Within this framework, these factors are of secondary importance.